

HB0006



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0006

Introduced 1/19/2007, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.3

from Ch. 38, par. 12-7.3

Amends the Criminal Code of 1961 concerning the offense of stalking. Includes, in the definition of surveillance, placing an electronic tracking device on the person stalked or the person's property.

LRB095 03374 RLC 23378 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 12-7.3 as follows:

6 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

7 Sec. 12-7.3. Stalking.

8 (a) A person commits stalking when he or she, knowingly and
9 without lawful justification, on at least 2 separate occasions
10 follows another person or places the person under surveillance
11 or any combination thereof and:

12 (1) at any time transmits a threat of immediate or
13 future bodily harm, sexual assault, confinement or
14 restraint and the threat is directed towards that person or
15 a family member of that person; or

16 (2) places that person in reasonable apprehension of
17 immediate or future bodily harm, sexual assault,
18 confinement or restraint; or

19 (3) places that person in reasonable apprehension that
20 a family member will receive immediate or future bodily
21 harm, sexual assault, confinement, or restraint.

22 (a-5) A person commits stalking when he or she has
23 previously been convicted of stalking another person and

1 knowingly and without lawful justification on one occasion:

2 (1) follows that same person or places that same person
3 under surveillance; and

4 (2) transmits a threat of immediate or future bodily
5 harm, sexual assault, confinement or restraint; and

6 (3) the threat is directed towards that person or a
7 family member of that person.

8 (b) Sentence. Stalking is a Class 4 felony. A second or
9 subsequent conviction for stalking is a Class 3 felony.

10 (b-5) The incarceration of a person in a penal institution
11 who transmits a threat is not a bar to prosecution under this
12 Section.

13 (c) Exemption. This Section does not apply to picketing
14 occurring at the workplace that is otherwise lawful and arises
15 out of a bona fide labor dispute, or any exercise of the right
16 of free speech or assembly that is otherwise lawful.

17 (d) For the purpose of this Section, a defendant "places a
18 person under surveillance" by: (1) remaining present outside
19 the person's school, place of employment, vehicle, other place
20 occupied by the person, or residence other than the residence
21 of the defendant; or (2) placing an electronic tracking device
22 on the person or the person's property.

23 (e) For the purpose of this Section, "follows another
24 person" means (i) to move in relative proximity to a person as
25 that person moves from place to place or (ii) to remain in
26 relative proximity to a person who is stationary or whose

1 movements are confined to a small area. "Follows another
2 person" does not include a following within the residence of
3 the defendant.

4 (f) For the purposes of this Section and Section 12-7.4,
5 "bona fide labor dispute" means any controversy concerning
6 wages, salaries, hours, working conditions, or benefits,
7 including health and welfare, sick leave, insurance, and
8 pension or retirement provisions, the making or maintaining of
9 collective bargaining agreements, and the terms to be included
10 in those agreements.

11 (g) For the purposes of this Section, "transmits a threat"
12 means a verbal or written threat or a threat implied by a
13 pattern of conduct or a combination of verbal or written
14 statements or conduct.

15 (h) For the purposes of this Section, "family member" means
16 a parent, grandparent, brother, sister, or child, whether by
17 whole blood, half-blood, or adoption and includes a
18 step-grandparent, step-parent, step-brother, step-sister or
19 step-child. "Family member" also means any other person who
20 regularly resides in the household, or who, within the prior 6
21 months, regularly resided in the household.

22 (Source: P.A. 91-640, eff. 8-20-99; 92-827, eff. 8-22-02.)